IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2452 OF 2004

Tapas Neogy ... Petitioner

Vs.

Union of India and Ors. ... Respondents

Mr. P.K. Dhakephalkar with Mr. J..G. Aradwad Reddy for Petitioner.

Mr. R.C. Mishra i/by S.S. Sarkar for Respondent No. 1.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 18, 2005

P.C.

. The Petitioner had earlier came to this court in the matter of his continuous suspension being Writ Petition No. 5071 of 1997. By order of 23.3.1996 for the reasons set out therein the petition was dismissed.

. The Petitioner thereafter as the suspension was not been lifted, filed O.A. before Central Administrative Tribunal being O.A. No. 575 of 2002. By order dated 23.1.2004 the learned Tribunal after considering the matter directed Respondents to consider the no objection of C.B.I. and take appropriate decision within the period of three months.

. On behalf of Respondents, Mr. C.A. Kapadi,

Deputy Secretary (Vigilance) has filed affidavit. In the said affidavit it is pointed out that the Petitioner was holding the post of Architect Planning and Chief Town Planner of the Union territory of Daman and Div. There is only one post which is not transferable and in the event suspension are revoked, he will occupy the said post. He has further pointed out that the Review Committee considered the case of the Petitioner on 6.5.2004, 28.6.2004 as also on 10.1.2005 and Review Committee has rejected he case for lifting suspension. In the meantime, C.B.I. has also field chargesheet in the court of Special Judge, Daman on 24.6.2004.

. The allegations against the Petitioner are in respect to the charges when he was holding the post of Chief Architect and Town Planner.

. On behalf of the Petitioner, their learned counsel submit that the Petitioner cannot be kept on suspension indefinitely. It is further submitted that the other co-accsued has not been suspended and in these circumstances,suspension of the Petitioner cannot be continued indefinitely pending the trial.

. We have heard he learned counsel. WE find from

the affidavit of Respondent that the Review Committee has gone into the aspect as to whether the suspension of the petitioner should be maintained. The Review Committee have decided not to lift the suspension. It is not for us to go into that decision considering the nature of the charges. Considering that there is chargesheet against the petitioner and as noted by this court in its earlier order, the charges are grave. In so far as contention that another officer who is co-accused has not been suspended, that by itself cannot be aground to contend that the petitioners suspension should be lifted. We find no case for interference. Hence, petition rejected.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)